

X16327
Serial No. 10/575,502

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Amendments to the Drawings

None

Remarks/Arguments

In this Response to Office Action, Claim 1 has been amended, and Claims 6 and 7 have been canceled. In particular, Claim 1 has been amended to include the subject matter of now canceled Claims 6 and 7, with an additional correction of “injection section” from Claim 6 to “injecting section” to conform with the claim language. It is believed that no new matter has been presented as these amendments are supported by the application text.

Thus, Claims 1-5, 8 and 9 are pending in this application. Reconsideration and reexamination of the application in view of the remarks presented herein are respectfully requested.

In the Office Action, Claims 1-9 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,221,046 to Burroughs in view of Burroughs. At the top of page 3 of the Office Action, it also was stated that Claims 1-9 were rejected under 35 USC 102(b) as being anticipated by Burroughs, but it is believed such statement was an error in view of the remainder of the paper as well as the prior response, and no further comment on such rejection is believed required.

In response to the above rejection, it is respectfully submitted that the teachings and suggestions of Burroughs markedly differ from the present invention as particularly claimed in currently amended Claim 1. In particular, amended Claim 1 now includes the subject matter of Claims 6 and 7, which subject matter relates to far greater specificity in the guide and follower configuration. The guide and follower configuration now recited in Claim 1 is more than about providing a rotational hard stop at the end of the reset segment. Rather, amended Claim 1 recites structure and relationship of the guide and follower pertinent to both injecting and dose preparing which limits misuse of the apparatus.

Namely, Claim 1 recites that “wherein along said injecting section of said travel path, said guide comprises first and second surfaces that define a channel in which said follower is slidable, said surfaces during injecting serving as physical stops to prevent rotation of said nut driver by abutment by said follower until an injection is complete,” as well as that”wherein along said nut rotating segment of said travel path, said guide comprises third and fourth surfaces that define a channel in which said follower is slidable, said third surface providing a distal barrier during nut rotating that prevents distal plunging of said driver by abutment by said follower until said follower passes from said nut engaging segment to said injecting section.” Such guide and follower configuration using these specific channel surfaces to limit misuse is not disclosed in Burroughs at columns 5 and 6 of Burroughs as suggested in the Office Action. Furthermore, it is asserted that so reconstructing Burroughs would not have been done without gleaning such from Applicants’ disclosure. As such a

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reconstruction is not proper, it is asserted that the rejection of Claim 1 is overcome.

In view of the foregoing, it is respectfully submitted that Claim 1, as well as Claims 2-5, 8 and 9 that are dependent on Claim 1, are in fact patentable and are in condition for allowance. Thus, it is requested that a timely Notice of Allowance be issued in this case.

If any extension of time or fees are required with this paper, such are hereby petitioned therefor and the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 05-0840.

The Examiner is invited to contact the undersigned with any questions if such would advance the prosecution of the present application.

Respectfully submitted,

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